

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

PEER REVIEW TEAM REPORT AND BOARD RESPONSE

The Peer Review Team examined the Western Boards' administrative and hearings practices over eleven months' time, and made recommendations.

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Western Board Response

PEER REVIEW TEAM

February 26, 2002

Les Eldridge, Member
Western Washington Growth Management Hearings Board
PO Box 40953
Olympia, WA 98504-0953

Dear Les Eldridge,

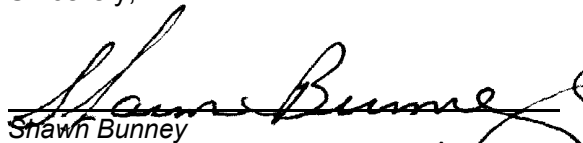
On February 26, 2001, you solicited interested individuals with varied backgrounds to participate in a Best Practices Peer Review of the Western Washington Growth Management Hearings Board (WWGMHB). You appointed our seven-member panel on March 27. You charged us to "... examine our current practices, evaluate and report on our strengths and weaknesses, and make recommendations for improvement." We have attached our final report assessing the Board.

First, we would like to acknowledge your fellow Board Members Nan Henriksen and Bill Nielsen. The willingness to be reviewed and the cheerful interactions with our panel are noteworthy. All of you serve the state with distinction. Further, we are grateful to the support, which has been provided by Mary Anderson, Executive Assistant and by Gregory Nelson, Intern.

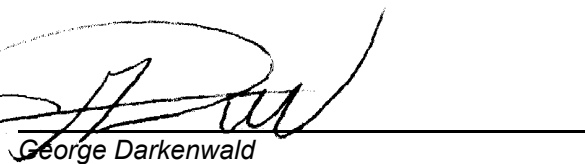
For the record, we felt perfectly at ease asking any question and making any recommendation. In addition, we found an atmosphere that was fun to work in. We all learned something. An unexpected return was the opportunity for the seven of us to work together and know one another.

Finally, we want to recognize you for taking the initiative in calling this group together, nurturing us, and accepting the results of our review. It is only a top-flight person and a top-flight organization that would call for such a review. Our assessment bears this out.

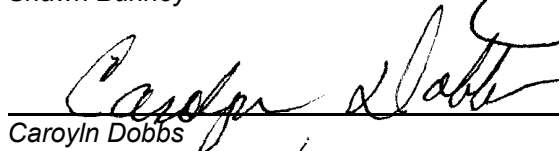
Sincerely,



Shawn Bunney



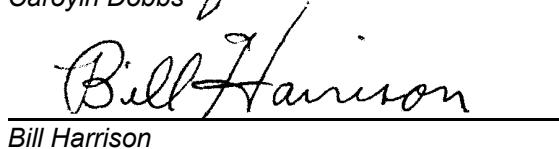
George Darkenwald



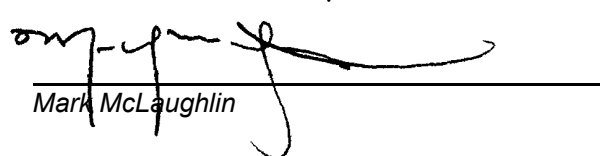
Carolyn Dobbs



Richard Dorsett



Bill Harrison



Mark McLaughlin



Dick Merchant

cc: Nan Henriksen
Bill Nielsen
Mary Anderson/Gregory Nelson

**PEER REVIEW TEAM REPORT
ON SELECT PRACTICES AND PROCEDURES
OF THE
WESTERN WASHINGTON
GROWTH MANAGEMENT HEARINGS BOARD**

FEBRUARY 2002

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INTRODUCTION

PURPOSE AND GOAL

As part of an effort to improve performance and procedures of the Western Washington Growth Management Hearings Board (WWGMHB), the Board formed a “best practices peer review” team charged with providing review and analysis of both the administrative functions and procedural practices of the Western Board. This is not a performance audit; rather it is an evaluation of how the Board uses resources and how it can improve management performance. It is also not a comprehensive review of every administrative and procedural aspect of the board; rather, it is an overview and sampling of various elements of the Board’s functions.

In February 2001, a number of individuals familiar with management, administrative law, and land use issues were asked to participate in such a peer review process. Participation was solicited from a network of adjudicatory agencies, attorneys, former judges, court appointed personnel, college professors, representatives from the environmental community, and individuals with personnel, training and administrative leadership experience. From this group, seven members were asked and agreed to participate in this process. A brief biography of each team member is attached at Exhibit A.

METHODOLOGY

At the onset, the commitment of the team was based upon something in the neighborhood of six to ten hours of total work. The Peer Review Team met several times during 2001. In addition, each team member attended one or more hearings and reviewed at least one decision from each board member. Other topics of interest were researched and developed on an individual basis and then discussed and incorporated into this report.

FINDINGS AND CONCLUSIONS OF THE REVIEW TEAM

The Review Team's report includes a series of findings and conclusions identifying and discussing "Administrative Operations" and "Best Practices" for the Board.

The Best Practices topics include:

- Prehearing Conferences
- Hearings
- Final Orders

The Administrative Operations topics include:

- Program, Agency and Financial
- Human Resources
- Customer Service

BEST PRACTICES FINDINGS AND CONCLUSIONS

PREHEARING CONFERENCES

Prehearing Conference Proceedings

A prehearing telephonic conference was observed on Oct 25, 2001, which resulted in the following observations:

In keeping with other observations of hearings in general, the Presiding Officer provided a relaxed, professional atmosphere; this appeared to put parties at ease and enabled good progress in their task of agreeing to a list of issues.

According to the parties, regular notice was adequate and timely. Additionally, special efforts by the Presiding Officer running the meeting were made to give specific notice to one party who failed to call at the assigned time.

The prehearing conference also appeared to afford the parties an interactive forum to ask questions of clarification and related questions about the jurisdiction of the Hearings Board.

Mediation and Settlement

A settlement conference was not observed, but research reveals the following:

Mediation and settlement has become an important part of prehearing activity for all three Boards. Two Board Members are certified by the National Judicial College as well as the Dispute Resolution Center (DRC) of Thurston County. One is also certified by the Clark County DRC. There is an established program of shared settlement officers where members of each board offer reciprocating services, thus avoiding appearance-of-fairness issues and other potential problems.

While none of the Peer Review Team had the opportunity to directly observe mediation, the record of clearing more than 15% of the issues before the Board clearly demonstrates the efficiencies obtained through this board implemented initiative. Overall, it appears to save the State and the parties significant dollars in travel, court costs and attorney fees.

The practice of volunteering alternative dispute resolution services as a form of skill sharpening to the Washington State Personnel Appeals Board, the Housing Authority of Thurston County, the Thurston County Dispute Resolution Center, the State Interagency Mediation Program, and others certainly has additional training benefit, although undefined in a fiscal sense.

HEARINGS

Review Team Members witnessed the following hearings:

Compliance hearing in Mason County - June 5, 2001
Les Eldridge, Presiding Officer

Telephonic compliance hearing, Jefferson County- August 14, 2001
Les Eldridge, Presiding Officer

Hearing on the merits in Lewis County - June 27, 2001
William H. Nielsen, Presiding Officer

Telephonic prehearing conference, Mason County - August 15, 2001
Les Eldridge, Presiding Officer

Telephonic prehearing conference, City of Sequim - October 25, 2001.
William H. Nielsen, Presiding Officer

At the beginning of each hearing, the agenda was clearly explained to all parties. Comments and suggestions were solicited and, when appropriate, adjustments made.

At each hearing, in addition to allowing rebuttal and, where appropriate, surrebuttal, counsel were asked whether they needed more time for presentation or comment. It should be mentioned that at none of the hearings was available time a concern. No counsel or party unreasonably prolonged remarks or argument, and no attempt to monopolize the proceeding was perceived.

Some *pro se* parties (there were *pro se* parties of record in all cases) appeared at these hearings. It was also clear from the record and remarks by the presiding officer that *pro se* parties were treated by the Board in a consistent manner. As an example, when a *pro se* party at the August 15, 2001 telephonic prehearing conference did not call in at the appointed hour, staff was requested by the presiding officer to contact the party. This was done in a professional and courteous manner; the party declined and the hearing proceeded.

Review Team members observed a clear and consistent policy and practice of avoiding *ex parte* contact.

At all of the hearings, all parties, counsel and witnesses, local government representatives, members of formal and informal organizations and individuals, represented or *pro se*, were treated fairly without observed or even suspected bias.

Questions from the Board were very respectful, but also very clear, showing familiarity with the history of the case and applicable law. The presiding officer was polite, clear, and

decisive on motions. Board members asked good questions of counsel and of expert witnesses to clarify arguments and testimony. They were polite in interrupting presentations, and did so only when necessary. When a certain level of informality was called for, e.g., at the prehearing conference, control of the proceeding was still maintained. The clear agenda was followed and the proceeding expeditious. If the level of preparation was not high, and in most cases it obviously was, counsel would advise the presiding officer that it was due to very short notice or other factors beyond their control. This indicated that at the beginning of every case, the Board may consider making it clear to all parties that adequate preparation is not only suggested but expected.

FINAL ORDERS

The decisions reviewed by the Review Team included one decision by each board member, including Final Decisions and Orders for cases #98-2-0006c, #99-2-0038c, and #99-2-0040. In the review of final orders, the Review Team has gained an appreciation for both the complexity of the issues as well as the volume of material involved in any one decision. The Review Team also recognizes the difficulty in drafting decisions which holistically cover the issues and have great respect for the talent shown in each of the decisions we reviewed. This being said, we do have several observations to share.

Format and Structure

Each Board member brings a unique format and structure to decisions. Some include colorful background, some have a synopsis, some include findings of fact, some do analysis in the discussion section, and some do the analysis in the conclusion. While free form shaping of decisions bring individuality, a more uniform format or structure may be helpful to the reader's ability to understand the various decisions. Furthermore, the Review Team believes that a uniform format may help to protect the institution of Hearings Board decisions that may go on several more decades if not in perpetuity.

Procedural Information

As with format and structure, different board members provide different levels of information with regard to issues such as burden of proof, rehearings, and appeals. Since the appeal and rehearing rights are likely, the same from case to case we recommend the development of boilerplate language to insert into every decision.

Drafting Style

There are several minor recommendations with regard to drafting style. First, the adoption of a uniform system of citation would strengthen the decisions. Second, where a party's position is provided from a brief, provide reference to the briefs upon which the information is obtained. Finally, an old school recommendation of writing is to write in the present tense where possible.

ADMINISTRATIVE FINDINGS AND CONCLUSIONS

PROGRAM/AGENCY/FINANCIAL

Information Systems

Behind the three Boards' Home Page, information systems are failing. cursory discussion indicates that the problem is common to all three Boards. However, discrete and concrete examples are drawn only from the Western Board. Four out of the five computers are more than five years old necessitating excessive repair and bar the use of newer software. Not directly connected to the Department of Information Systems (too costly), the Board switched from a local dial-up ISP (Internet Service Provider) to an IDSL (digital services network line) provider in November of 2001. To date, service issues related to the transfer are still outstanding. The Board utilizes Central's server that is upgraded on a catch-up basis and is still being configured. The Board switched technical support in May 2001, to an individual who is helping the Central Board. The remote support precludes quick on-site troubleshooting. There is no detailed system documentation. From the public's perspective, e-mail addresses continue to change, the Web site goes down and the Web links are often broken. From a staffing stand point, a disproportionate amount of time is spent resolving system issues and restoring data. If the Boards are to realize the State's vision of a digital government, future budgets should include an adequate base appropriation for information systems similar to that of larger agencies which have a realistic funding level imbedded in their CAL (Currently Authorized Level).

Accounting and Regulatory

The Western Board has had clean audits from the State Auditor's Office. Board and staff are aware of and adhere to state guidelines such as purchasing. Dual control is a real problem for small organizations. This problem is avoided by using OFM Small Agency Client Services. The Board should continue using Small Agency Client Services under almost any foreseeable circumstances.

Appropriateness of Funding Levels

The three Boards have sufficient funding to hear and decide cases. At year-end, one or more of the Boards will occasionally "bail-out" a sister Board that has exceeded its allotment. Anecdotaly, the overruns are attributed to unforeseen caseload. As a result, there is often little discretionary funding available at year-end. Funding for excess caseload should be considered. Such funding would only be used when caseloads truly exceed budget assumptions. Such a contingency reserve would allow the Board to take accumulated savings and fund new initiatives rather than bailing each other out. If such an avenue is pursued, a meaningful caseload measurement system should be developed.

Potential Economies

Copy Charge: The Boards charge \$0.15 a copy for records in excess of 34 pages. Monthly copy fees collected range from zero to \$1,000. Normally, the recovery is under

\$500 a month. The largest cost in copying is labor. The Board should consider dropping the \$0.15 charge if the requesting party agrees to do the photocopying.

Certification Costs: The Western Board has used the better part of a person's time for retrieving, copying, assembling and re-filing records due to record certification for appeals in the higher courts. Further research should be done on whether all costs for court certifications may be recovered.

Inter-board Efficiencies

The three Boards do not have integrated support services. While separately provisioned, one Board (on a rotating basis) records the central administrative costs for all three Boards. This arrangement makes historical analysis difficult. Further, the preparation on the Boards' budget is rotated. The lack of continuity on budget submittals leads to budget errors. The budget submittals also lack a unified theme and approach among the three Boards. The information systems of the Boards are fragmented. Centralization of administrative services, which does not impinge on the separate Boards' independence, should be considered.

Court Reporting

The invoices from court reporters reflect a number of court reporting firms providing services, by geographic location, within the WWGMHB jurisdictional area. Interviews with staff reveal that the scheduling of these services are done one-on-one by the Board with each of the various court reporters. An alternative method used by the Environmental Hearings Office as well as the Board of Industrial Insurance Appeals is to solicit bids from court reporting firms to manage schedule and coordination of reporters for all locations. Shifting the management responsibility for Court reporting services in the manner described above may free staff time.

HUMAN RESOURCES

Staff Support

The Board employs one full time Executive Assistant who also serves as the Board's Administrative Officer and administrative-hearings-board clerk (comparable to a clerk of the court). Working with the Board staff in preparing this report, it is the Review Team's observation that the office environment is one of a small but very busy operation. A close examination reveals that workload fluctuates and surges from month to month and from year to year (see Caseload Management Matrix 1/7/02 on page 15). This workload is fueled by the number of petitions for review which, in turn, drive the prehearing, hearing, settlement conference, and appeals processes. There are no additional FTE's provided to the Boards for office help, so temporary help is often the Board's only remedy. There have been mixed results. Specifically, most of the workload requires an amount of expertise not available in the temporary-hire market. Therefore, the Review Team recommends a closer examination of job sharing options, either between the other two Boards or with another agency to ensure trained staffing resources are available to address this workload fluctuation problem. We also recommend a comparative analysis of staffing levels of

similar adjudicatory processes such as the Board of Industrial Insurance Appeals, Board of Tax Appeals, Personnel Appeals Board, Office of Administrative Hearings, and/or Environmental Hearings Office to compare workload to level of administrative support provided.

Board Members Absences

The GMA requires two of three board members to be sitting in any one case. In cases where only two board members are available due to sickness or other absence it raises the possibility of no majority. If two board members sit, and cannot agree, then no decision could be rendered. This is not addressed in the law. Therefore, the Review Team recommends a GMA amendment to allow for the selection of a pro-tempore third board member in such cases.

Interns

The Board has a very successful student internship program. The interns historically have been law or urban planning students.

Assessment and Training

The Review Team suggests that an assessment of the skills, knowledge, and experience of outgoing Board members be used as a resource. This then would become the basis for training. As example, the responsibility for administrative chair will pass from member to member over time. Depending on the background of each member, training may be helpful to enhance the skills and knowledge needed. Once an assessment is done the need for additional training may be identified. The Washington State Department of Personnel training program may be one valuable source for training tailored to the needs of state government and its employees. These and other training resources now known to the Board should be included in the Board's desk manual. Furthermore, we suggest that the Board develop a policy on tuition reimbursement for Board members and staff, which is a requirement of the Department of Personnel.

CUSTOMER SERVICE

Web Site Development

It is encouraging to see that WWGMHB has posted its decisions to CD Law, which is probably where most attorneys will find them. It is also encouraging to see all of the final orders are posted on the Growth Management Hearings Board website. A further improvement would be the integration of the keyword system shown in the Digest into the Web page; allowing for greater search capability. Finally, it is unclear whether the web page is being used to post new decisions. The advantage is clear in informing all parties simultaneously of the outcome in a particular case. Media inquiries can be met in this way also. There is no staff time taken up in copying a lengthy decision, then mailing the same at different times to different person.

Digest of Decisions

The Washington State Growth Management Hearings Board Digest of Decisions (1999) and Supplements 1999 (Published February 2000) and 2000 (published in 2001) are a convenient and comprehensive research tools for the practicing attorney as well as the *pro se* advocate on Washington State's Growth Management Act. The Review Team commends all three boards for successfully completing such a large undertaking.

"First in Touch" Program

The board has established a policy of responding to letters or phone call inquiries from the public regarding growth management within 48 hours. Most frequently, the response is from a Board member. Responses are logged and monitored. The board views this as an opportunity to educate the public on the board's role and process. Where *ex-parte* concerns prohibit specific responses on cases, a detailed explanation is provided.

Customer Satisfaction Survey

A 1997 survey of "customers" of the board created mixed results. On one hand, there were comments and suggestions made by 32 of 600 sent which provides some insight into a few "customers" that chose to return the survey. (It is noted to the Board's credit that most of the 32 responses were positive.) The Review Team has two ideas for approaches that the Board may wish to consider in future efforts to define "customer" satisfaction. First, the Board may consider hiring a professional interviewer in combination with a random system for selecting persons to be interviewed. An objective interviewer may be able to identify with greater precision the areas of concern to "customers" as well as potential motives for specific responses. The second approach, which is becoming more common in public agencies, is to consult with a public opinion polling company like Gallup who can design and implement an objective process for surveying your "customers."

CASELOAD MANAGEMENT MATRIX

WESTERN WA GROWTH MANAGEMENT HEARINGS BOARD
CASELOAD MANAGEMENT
ANNUAL COUNT OF

	PFRs	PREHEARING CONF	MOTIONS HRG	HOTH	COMPLIANCE/ INVALIDITY RECHSORS HRGS	SETTLEMENT CONF	TOTAL HEARINGS	DISMISSED	WITHDREW	DISPOSITIVE	DECLARATORY	APPEALS *	CERTIFIED
1992	1	1		1			2						
1993	2	1					1	1					
1994	22	13		7	2		22	3	1				
1995	83	18	1	14	7		40	8	1		1	2	
1996	36	17		7	14	1	38	4			1	5	8
1997	64	24	7	5	9	2	45	22		1	1	5	9
1998	24	17	4	7	10	6	38	7	2			28	5
1999	42	21	12	11	12	3	56	9		1		3	1
2000	63	28	18	20	22	9	88	12		1	1	15	6
2001	26	17	12	13	19		61	5				19	9
TOTAL	363	157	54	85	95	21	391	71	4	3	4	77	38

Consolidated Cases:

Number of Consolidated Cases: 43

Number of PFRs Consolidated Within the (43): 232

* Appeals:

The 77 appeals have been filed within 38 cases.

Many cases have multiple appeals regarding different issues within the case.

Average Monthly Active Caseload: 41

Mediated Settlements: 14

There are many more cases with partial settlements.

FINAL THOUGHTS

As a final thought, the review team wants to make clear that based upon its review, the Western Washington Growth Management Hearings Board meets or exceeds the standards one would expect to find in an administrative process created on what was a blank canvas just over ten years ago.

The legislative goal to check “uncoordinated and unplanned growth,” was given substantial guidance in Washington’s Growth Management Act (GMA). It also provided a means for citizens and parties affected by the act to seek a remedy, ideally without having to resort to the courts. That remedy is to be found in the procedures and processes of the Growth Management Hearings Boards. It is the conclusion of the Peer Review Team that after more than a decade of conducting hearings and issuing decisions, the Western Washington Growth Management Hearings Board is accomplishing its mandate in a fair and efficient manner.

Procedures and processes, by themselves, do not necessarily provide much comfort to citizens seeking relief from governmental actions. However, our review of the Western Washington Growth Management Hearings Board shows a clear strength in its efforts to be accessible, clear, and responsive to both citizens and professional advocates. Through its educational outreach efforts, whether on its web-site or through its “first in touch” response policy, the Board’s policies and conduct indicate effective efforts to assist those whose matters are subject to the review of the Western Board. These efforts exemplify how an administrative agency can serve its constituency.

Equally important are the practices used by the board to resolve matters, if possible, short of actual hearings. The prehearing conference proceedings and mediation techniques established by the board are valuable tools that help save money and time while reducing the underlying conflicts that created issues prompting appeals to the Board. For those matters that proceed to formal hearing and decisions by the board, we saw a fair and effective process which one would expect from an administrative tribunal.

REFERENCES

4th Quarter Quality Performance Report (April, May, June 2001) July 9, 2001

Training Policy and Training History and 48-hour Response Policy
July 24, 2001

Memorandum from Les Eldridge concerning Budget meeting with OFM and SACS
June 11, 2001

Conversations with OFM Budget and SACS Staff

SAO Reports, i.e. the Auditor

Cash Receipt Logs

Various AFRS Report

Agency Budget Submittal

Memorandum from George Darkenwald on WWGMHB Hearing Procedures
August 15, 2001

WWGMHB Equipment/Network/PC

WWGMHB Annual Workload/Caseload Statistics

Memorandum from Les Eldridge Regarding Final Deliberations and Information on workload, caseload, budget, and FTEs. Includes memorandum to Peter Antolin and Ron Schultz.

Information Request Log Sheet

MEMBERS OF THE PEER REVIEW TEAM

Shawn Bunney – Legal Counsel to the Pierce County Council (1994 to Present). Provide in-house counsel to a seven member legislative body on legislative, quasi-judicial and policy matters. Special areas of focus include land use and water issues. Currently on special assignment to coordinate the Lake Tapps Task Force efforts. Graduate of University of Puget Sound School of Law. (1993). U.S. Department of Treasury, Travel and Special Events Coordinator (1989-1990), White House Intern (1988), District Executive, Boy Scouts of America (1986-1987), Undergraduate Degree, The Evergreen State College (1986)

George O. Darkenwald, J.D. – Univ. of Wash. Law School 1971; USAF 1963-1968 (Capt./ Navigator C-130/ Admin. Officer/ Extensive service RVN); Criminal Prosecutor 1971-1978; Private Law Practice Thurston County (Business Emphasis) 1978-1994; Arbitrator and Mediator Thurston County Superior Court 1981-Present; Port of Olympia Citizen Advisory Committee 1994-2002; Professor of Business Law/ Director of Paralegal Program, South Puget Sound Community College 1994-Present.

Carolyn Dobbs – Member of the Faculty, The Evergreen State College, 1971 –present. Has also served as Academic Dean, Interim Vice President for Student Affairs, and Director for the Masters of Public Administration Graduate Program. Other appointed positions: Thurston County Planning Commission, Thurston County Agriculture Committee, Thurston Regional Planning Council, Department of Natural Resources Old Growth Commission, Timberland Regional Library Board of Trustees and TRL Foundation Board, Port of Olympia's Economic Development Corporation, and Curriculum Committee of Washington Agriculture and Forestry Education Foundation. Ph.D., Urban Planning, University of Washington (1971)

Richard Dorsett – Executive Director, Washington Association of Area Agencies on Aging (1999 – Present). Past Deputy Director Pierce County Government Relations (1989 – 1999). Special emphasis included legislative activities involving growth management, water resources issues, and the endangered species act. He is a staff archaeologist with the Madaba Plains Project, Jordan, helped initiate Pierce County's Safe Streets program, coordinated the Puyallup River Watershed Council, and served as President of the National Association of County Intergovernmental Relations Officials (NACIRO). Bachelor of Arts undergraduate degree (Western Washington University), Masters of Public Administration (The Evergreen State College), and Juris Doctor (University of Puget Sound Law School).

Bill Harrison – Administrative Appeals Judge of the Washington State Environmental Hearings Office (1975-2000), with responsibility for administrative and adjudicatory matters. Currently serves as Industrial Appeals Judge of the Washington State Board of Industrial Insurance Appeals.

Mark McLaughlin – Staff Coordinator for the Legislative Transportation Committee (1999 to present). Provide research and office support to the committee formulating state transportation policy. Primary areas of expertise are administration and finance. Twenty-seven years of state employment include the Senate, The Office of Financial Management, the Office of the State Treasurer and the Housing Finance Commission. Associations have included chair and member of the Washington State Employees Credit Union Board, participation on the North Beacon Hill Urban Village Planning Committee and service on the Seattle Mountaineers Basic Climbing Administration Committee.

Dick Merchant – Is the former manager of the Department of Personnel's Statewide Employee Training Program. Prior to state service, he retired from the U.S. Army with the rank of Lieutenant Colonel. During his military career, he managed large human resource staffs at a major Army installation. He holds a Masters Degree in Public Administration. He currently does limited consulting in organizational development and human resource areas and is active in several volunteer organizations.

Nan A. Henriksen
Board Member

William H. Nielsen
Board Member

Les Eldridge
Board Member



STATE OF WASHINGTON

WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

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February 26, 2002

TO: Peer Review Team

FROM: Les Eldridge
Administrative Chairman

RE: **The Western Washington Growth Management Hearings Board
Response to the Report on Select Practices and Procedures
From the Peer Review Team**

I. Peer Review of “Best Practices”; Prehearing Conferences, Hearings, Mediations, Final Decisions and Orders

Findings and Conclusions

The Review Team’s Report on our hearings “best practices” declared that they were professional, effective, fair, avoided *ex parte* contact, and free of bias. The Review Team observed that presiding officers provided a relaxed yet professional atmosphere that put parties at ease and allowed effective case management. Notice was adequate and timely. The Review Team found mediation to be an efficient process, saving money for parties and the State and providing mutually agreeable resolutions for many issues.

The Review Team found that *pro se* parties were treated in a consistent manner with professionalism and courtesy. They observed that the Board showed familiarity with the history of cases and applicable law. Presiding officers were polite, clear, and decisive on motions. Board members asked excellent questions of counsel and parties.

Recommendations

The Peer Review Team recommended the following:

1. The Review Team observed that, in isolated cases, the level of preparation by the parties could have been higher. They recommend that we consider emphasizing to the parties, as a matter of course, that adequate preparation is expected.
2. The Team recommended that we consider an uniform decision format or structure for final orders.

3. The Team recommended orders contain uniform language regarding burden of proof, hearing and appeal.
4. The Team offered minor recommendations with regard to drafting style, including adoption of a uniform system of citation, specific reference to parties' briefs, and use of the present tense.

Response of the Board

We are pleased at the findings and conclusions of the Review Team regarding fairness, efficiency, and professionalism in our proceedings.

In response to the recommendations:

1. We can certainly provide more emphasis on adequate preparation by the parties.
2. It is true that each Board member follows a unique format and structure. We believe it is timely to consider adopting a more uniform format as the Board will gain two new members within the next few months. The Board will now initiate consideration of a more uniform structure in its written final orders. This will include consideration of citation reference, and tense.

II. Peer Review of Administrative Process

Findings and Conclusions

The Peer Review Team noted that our State audits had been positive. They observed that the Office of Financial Management Small Agency Client Services provides an excellent service and recommended we continue to use them. They characterized our office operation as small but busy, with a successful student internship program. They praised our posting of decisions to CD Law and our website. They described our Digest of Decisions as a "convenient and comprehensive research tool for the practicing attorney and the *pro se* advocate." They noted that our First-In-Touch Program, with its policy of responding to letters or phone call inquiries within 48 hours, functions well and is an opportunity for us to educate the public on the Board's role and process.

Review Team Recommendations Regarding Administration

1. The Team expressed deep concern that our information systems are failing. They noted that this was a problem common to all three Boards. They concluded the problem stems from the age of our computers and software. They observed that e-mail addresses change often, the website often is offline, and links are often broken. The Team recommends that future budgets include an adequate base appropriation for information systems similar to that of larger agencies which have a realistic funding level embedded in their currently-authorized level.

2. The Team further recommended a contingency reserve be added to the budget to accommodate unanticipatable surges in caseload.
3. The Team recommended consideration of dropping the 15-cents-per-copy charge for records that are self-copied to save staff time and because it may be more expensive to collect than to absorb the cost.
4. The Team recommended research be done on whether cost for court certifications may be more fully recovered.
5. The Team noted that the three Boards do not have integrated support services and that one Board on a rotating basis, manages and records the central administrative costs. The Team believed that this makes historical analysis difficult and that thus, budget submittals lack a unified theme and approach among the three Boards. The Team recommended centralization of administrative services as long as it did not impinge on the separate Boards' independence.
6. The Team recommended that we consider soliciting bids from court reporting firms to manage the schedule and coordinating of reporters for all locations.
7. The Team suggested that the skills, knowledge and experience of outgoing Board members be treated as a resource and be assessed. Further, the Team suggested that the results of that assessment help determine needed training opportunities.
8. The Team recommended that the keyword system of the Digest be integrated into the web page.
9. With regard to customer satisfaction surveys, the Team suggested we consider hiring a professional interviewer in combination with a random system of selecting interviewees. An alternative suggested approach was to consult with a public opinion polling company like Gallup to design and implement an objective process.

Board Response to Team Recommendations (Administrative)

The Board will shortly be changing its administrative chairmanship as the present chairman prepares for retirement. We agree that the new administrative chairman should lead the response process.

1. We will now begin an examination of charges for copying, certification costs, centralization of administrative services, and court reporting costs.
2. We will immediately embark on the preparation of desk manuals which capture the knowledge and institutional memory of the soon-to-be-departing Board members.
3. **Website development and Digest of Decision keyword search capability.** The keyword search system has been integrated into the web page for the First Edition (1999) Digest only. We thus far have been unable to provide keyword search for

The cases in the two Supplements (2000, 2001). This year we will combine the First Edition, the two Supplements, and the 2001 cases for the 2002 supplement into one Second Edition. The Second Edition will provide keyword search capability on the website Edition. As part of this process, we'll ensure that future supplements include this capability. We will also include page numbers where the issue may be found.

4. Customer satisfaction surveys which involve hiring professional interviewers or contracting with public opinion polling companies are expensive. Owing to the current fiscal crisis such a request must necessarily wait for a new budget cycle.
5. The same is true regarding a request for a contingency reserve, and an adequate base appropriation for information systems.
6. We will discuss the question of centralized administrative functions with our sister boards, and with OFM.

We appreciate the thorough and objective review of our hearing and administrative procedures by the Peer Review Team. We are particularly pleased with the observations of the Team that we are accomplishing our mandate in a fair and efficient manner, that we have been clear, accessible and responsive and have used mediation techniques to help save money and time while reducing underlying conflicts that create issues prompting appeals to the Board.